

**PUBLIC PROTECTION CABINET
Kentucky Claims Commission
(Repealer)**

107 KAR 1:011. Repeal of 107 KAR 1:005, 107 KAR 1:010, 107 KAR 1:015, 107 KAR 1:025, 107 KAR 1:030, and 107 KAR 1:040.

RELATES TO: KRS 49.270, 49.300, 49.330, 49.340, 49.370, 49.390

STATUTORY AUTHORITY: KRS 49.010, 49.020

NECESSITY, FUNCTION, AND CONFORMITY: KRS 49.020(5) authorizes the Kentucky Claims Commission to promulgate, amend, and repeal suitable administrative regulations to carry out the provisions and purposes of the commission's statutory authority. This administrative regulation repeals 107 KAR 1:005, 107 KAR 1:010, 107 KAR 1:015, 107 KAR 1:025, 107 KAR 1:030, and 107 KAR 1:040. Pursuant to the renumbering and repeal of KRS 346.010 et. seq. and enactment of KRS Chapter 49, the programmatic functions of the former Crime Victims Compensation Board have been absorbed into the Kentucky Claims Commission. The subject matter of these administrative regulations is being concurrently updated and repromulgated as part of KAR Title 802.

Section 1. The following administrative regulations are hereby repealed:

- (1) 107 KAR 1:005. Claim filing;
- (2) 107 KAR 1:010. Financial hardship standards;
- (3) 107 KAR 1:015. Decisions and hearings;
- (4) 107 KAR 1:025. Attorneys' fees;
- (5) 107 KAR 1:030. Reciprocal agreement defined; and
- (6) 107 KAR 1:040. Cooperation with Kentucky Medical Assistance Act.

MARCUS CAREY, Chairman

DAVID A. DICKERSON, Secretary

APPROVED BY AGENCY: February 14, 2018

FILED WITH LRC: February 15, 2018 at 10 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on March 27, 2018 at 10:30 a.m. at the Kentucky Claims Commission, 130 Brighton Park Blvd., Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Written comments regarding this proposed administrative regulation will be accepted if received on or before 11:59 PM on March 31, 2018. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: G. Mitchell Mattingly, Kentucky Claims Commission Attorney, 130 Brighton Park Blvd, Frankfort, Kentucky 40601, phone (502) 782-8255, fax (502) 573-4817 email mitchell.mattingly@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: G. Mitchell Mattingly

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals 107 KAR 1:005, 107 KAR 1:010, 107 KAR 1:015, 107 KAR 1:025, 107 KAR 1:030, and 107 KAR 1:040. Pursuant to the renumbering and repeal of KRS 346.010 et. seq. and enactment of KRS Chapter 49, the programmatic functions of the former Crime Victims Compensation Board have been absorbed into the Kentucky Claims Commission. The subject matter of these administrative regulations is being concurrently updated and repromulgated as part of KAR Title 802.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to repeal 107 KAR 1:005, 107 KAR 1:010, 107 KAR 1:015, 107 KAR 1:025, 107 KAR 1:030, and 107 KAR 1:040, whose authorizing statutes were renumbered and repealed during the 2017 Session of the General Assembly.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation repealer is promulgated consistent with KRS 49.020(5), which authorizes the commission to promulgate, amend, and repeal suitable administrative regulations to carry out the provisions and purposes of the commission's statutory authority.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation repealer will assist in the effective administration of the statutes by repealing 107 KAR 1:005, 107 KAR 1:010, 107 KAR 1:015, 107 KAR 1:025, 107 KAR 1:030, and 107 KAR 1:040 consistent with the renumbering and repeal of their authorizing statutes during the 2017 Session of the General Assembly.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This administrative regulation is a repealer.

(b) The necessity of the amendment to this administrative regulation: This administrative regulation is a repealer.

(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation is a repealer.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation is a repealer.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Victims of violent crime will be affected by this administrative regulation repeal.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No additional actions are required for the entities identified in question (3).

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No additional cost will be incurred to comply with this administrative regulation for the entities identified in question (3).

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The entities identified in question (3) will benefit from this administrative regulation repealer by the concurrent promulgation of Title 802 of the Kentucky Administrative Regulations with updated, streamlined, and simplified processes and procedures for filing claims with the Commission.

- (5) Provide an estimate of how much it will cost to implement this administrative regulation:
- (a) Initially: This administrative regulation costs nothing to implement initially.
 - (b) On a continuing basis: This administrative regulation costs nothing on a continuing basis.
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No additional funding is necessary to implement or enforce this administrative regulation.
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: No fee or funding increase is necessary to implement this administrative regulation.
- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish or increase any fees.
- (9) TIERING: Is tiering applied? Tiering is not applied because this administrative regulation is a repealer.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This administrative regulation will impact the Kentucky Claims Commission.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 13A.310(3)(a), 49.020(5)

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation repealer will not generate revenue for state or local government for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation repealer will not generate revenue for state or local government for subsequent years.

(c) How much will it cost to administer this program for the first year? This administrative regulation repealer imposes no administrative cost for the first year.

(d) How much will it cost to administer this program for subsequent years? This administrative regulation repealer imposes no administrative cost for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): No impact

Expenditures (+/-): No impact

Other Explanation: None